
From: Richard French
Sent: Tuesday, 26 September 2017 4:06 PM
To: Neil Scales
Cc: Amber J Hawkins; Julie Mitchell; Translink Media; Helen K Nixon; Martin Bradshaw; Suzanne A Rose
Subject: HIBS FOR APPROVAL: NGT | NGR
Attachments: 20170926_DRAFT_HIB_NGR.docx; 20170925_DRAFT_HIB_NGT.docx

Hi Neil,

As explained on the phone.

DPs have asked for HIBS to be provided on potential contentious TransLink issues arising from the annual report.

- Next Generation Ticketing (NGT)
- New Generation Rollingstock (NGR)

Apologies for the late notice but these are due COB

Let me know if you have any concerns

Cheers

Rich

Richard French
Senior Media Advisor
TransLink Division | Department of Transport and Main Roads

61 Mary Street Brisbane Qld 4000 | GPO Box 50 Brisbane Qld 4001 w 3338 4671 m NR e
richard.french@translink.com.au w www.translink.com.au w www.tmr.qld.gov.au

P Please consider the environment before printing this email.

From: Cameron Y Leslie
Sent: Tuesday, 12 December 2017 12:59 PM
To: Neil Scales
Cc: Translink Media
Subject: RE: MEDIA ENQUIRY: NGR | The Courier Mail

Hi Neil.

I just wanted to clarify. You are OK for the response to be sent, but just delay sending it?

Thanks

Cameron

From: Neil Scales
Sent: Tuesday, 12 December 2017 12:56 PM
To: Cameron Y Leslie <Cameron.Leslie@translink.com.au>
Cc: Translink Media <Translink.Media@translink.com.au>; Stephanie B Williams <Stephanie.Williams@translink.com.au>; Miguel Holland <Miguel.Holland@translink.com.au>; Amber J Hawkins <Amber.Hawkins@translink.com.au>; Peter L Milward <peter.milward@translink.com.au>; Jennifer M Grace <Jennifer.M.Grace@tmr.qld.gov.au>
Subject: Re: MEDIA ENQUIRY: NGR | The Courier Mail

Thanks

Ok to go,

We are not playing her game, this is the total response and wait for them to chase up

Kind regards,

Neil Scales
Director-General
Department of Transport and Main Roads

Floor 35, 1 William Street | Brisbane Qld 4000

GPO Box 1549 | Brisbane Qld 4001
P: (07) 30667316 | F: (07) 30667122
E: neil.z.scales@tmr.qld.gov.au
W: www.tmr.qld.gov.au

On 12 Dec 2017, at 12:33 pm, Cameron Y Leslie <Cameron.Leslie@translink.com.au> wrote:

Hi Neil.

The Courier-Mail has come back to us with more questions following yesterday's response about the NGR.

They are yet to run a story with the response sent to them yesterday.

Below is the new enquiry and our proposed response.

Can you let me know if you are happy for this to be sent back please.

Thanks

Cameron

Cameron Leslie
Senior Media Advisor
TransLink Division | Department of Transport and Main Roads

61 Mary Street Brisbane Qld 4000 | GPO Box 50 Brisbane Qld 4001
t 07 3338 4047 | f 3338 4600 | m NR
e cameron.leslie@translink.com.au
w www.translink.com.au w www.tmr.qld.gov.au
<image001.png> /TransLinkQLD <image002.png> /TransLinkSEQ

<image003.gif>

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MEDIA ENQUIRY

Thanks for the reply. I take it the interview request was declined?

Would it be possible to reply in Q&A format to my questions for Mr Scales please as the statement doesn't address them:

Also - documents show Mr Scales, as a member of the program steering committee, had the strategic decision making role for the NGR program. Could you confirm this is still the case?

Proposed response:

The purpose of the New Generation Rollingstock (NGR) Program Steering Committee (PSC) is to provide overall direction for the management and delivery of the NGR program.

The NGR PSC comprises:

- Director-General, Department of Transport and Main Roads
- Deputy-Director General (TransLink), Department of Transport and Main Roads
- Deputy-Director General (Infrastructure Management and Delivery), Department of Transport and Main Roads
- General Manager (NGR), Department of Transport and Main Roads
- Chief Executive Officer, Queensland Rail
- Executive General Manager (Citytrain), Queensland Rail
- Director, Queensland Treasury
- Executive Director, Projects Queensland

The NGR PSC meets quarterly.

From: Dominic.Geiger@ministerial.qld.gov.au
Sent: Tuesday, 12 December 2017 4:58 PM
To: Cameron Y Leslie; @Minister Bailey Media
Cc: Translink Media; Miguel Holland; Amber J Hawkins; Neil Scales; Jennifer M Grace; Simon G Cook; Stephanie B Williams
Subject: RE: MEDIA RESPONSE: NGR | Courier Mail

Hi Cameron,
Could you please send us the response you provided yesterday?
Thanks

From: Cameron Y Leslie [mailto:Cameron.Leslie@translink.com.au]
Sent: Tuesday, 12 December 2017 4:55 PM
To: @Minister Bailey Media <MinisterBaileyMedia@ministerial.qld.gov.au>
Cc: Translink Media <Translink.Media@translink.com.au>; Miguel Holland <Miguel.Holland@translink.com.au>; Amber J Hawkins <Amber.Hawkins@translink.com.au>; Neil Scales <Neil.Z.Scales@tmr.qld.gov.au>; Jennifer M Grace <Jennifer.M.Grace@tmr.qld.gov.au>; Simon G Cook <simon.cook@translink.com.au>; Stephanie B Williams <Stephanie.Williams@translink.com.au>
Subject: MEDIA RESPONSE: NGR | Courier Mail

Hi team.

Please see the media response below for your approval.

There was a follow-up question to a response we provided yesterday.

Let me know if you have any concerns.

Thanks

Cameron

Cameron Leslie
Senior Media Advisor
TransLink Division | Department of Transport and Main Roads

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 /TransLinkQLD  /TransLinkSEQ



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Follow Up Question

Would it be possible to reply in Q&A format to my questions for Mr Scales please as the statement doesn't address them.

Also - documents show Mr Scales, as a member of the program steering committee, had the strategic decision making role for the NGR program. Could you confirm this is still the case?

Response

The New Generation Rollingstock (NGR) Program Steering Committee (PSC) was formed after the NGR contract was signed in December 2013.

The Director-General of the Department of Transport and Main Roads Mr Neil Scales, is a member of the NGR PSC.

Media: TransLink Division media unit on NR

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From: Richard French
Sent: Monday, 11 December 2017 2:22 PM
To: anna.jabour@ministerial.qld.gov.au; clare.manton@ministerial.qld.gov.au
Cc: Neil Scales; Jennifer M Grace; Simon G Cook; Peter L Milward; Miguel Holland; Amber J Hawkins; Translink Media; Stephanie B Williams
Subject: MEDIA RESPONSE: NGR | Courier Mail
Importance: High

Hi team,

Please see the media response below for your approval.


Let me know if you have any concerns.

Cheers

Richard

Richard French
Senior Media Advisor
TransLink Division | Department of Transport and Main Roads

61 Mary Street Brisbane Qld 4000 | GPO Box 50 Brisbane Qld 4001
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MEDIA RESPONSE

11 December 2017

Journalist: Kelmeny Fraser

Contact: T +61 7 3666 6126

E kelmeny.fraser@news.com.au

Media: Courier Mail

Subject: NGR

Enquiry: I have the following questions for the Director-General (Neil Scales) regarding the NGR project. I would welcome the chance to discuss this over the phone with Mr Scales, however, if this cannot be arranged, have the following questions:

1. When did you first become aware of the disability access issues (non-compliant aisles and toilets) regarding the New Generation Rollingstock trains? What action was taken? When were the trains first determined by the Government to be non-compliant?

2. **Disability advocate John McPherson wrote to Ms Trad in September 2015 to alert the Government to the disability access concerns re boarding. Did you become aware of the boarding problems at this time? If not, when did you learn Mr Trappett (or other disability advocates) had raised accessibility issues?**
3. **Why did it take until September 2017 for the final options report on disability accessibility options to be produced, given the urgency of the roll-out, and until the same month for an application to the Human Rights Commission?**
4. **In an interview on ABC 612 in November 2016, you were asked whether the right trains were ordered and replied: "Yes we did. No doubt about it at all." Why was there no mention of the disability access design issues at this stage?**
5. **The Government has said it will spend \$100 million fixing non-compliant toilets and aisles. Do you take responsibility for the NGR trains being ordered with non-compliant dimensions for the on-board toilet module and access to the toilet?**
6. **Public transport advocacy Rail Back on Track has cited issues including those around the Redcliffe Peninsula line signalling, NGR design and management of the Queensland Rail timetable issues as factors that they believe warrant a new D-G being appointed. How does Mr Scales respond?**

Deadline: COB Monday 11 December 2017

Response:

Work to redesign and rectify the NGR trains is well underway with the newly designed trains expected to progressively roll-out in the next 18 to 24 months.

Queensland Rail and the Department of Transport and Main Roads will continue to engage with the disability sector throughout this detailed design and rectification process.

NGR trains have entered passenger service in their current layout (six cars with one toilet module in the middle), so they can be used to increase network capacity for the 2018 Gold Coast Commonwealth Games.

In June 2017, Queensland Rail and the Department of Transport and Main Roads (TMR) announced that they would review the train's design, its compliance with the required legislation/standards and functional performance.

Between June and September 2017, Queensland Rail and TMR proactively engaged with the disability sector to develop design options that would improve the compliance and functionality of the toilet module and the nearby access path.

All options were then submitted to Cabinet and funding was committed to divide the fleet and have 40 trains with no toilets and 35 trains with two re-designed toilets.

In September 2017, following this announcement, Queensland Rail and TMR submitted a joint temporary exemption application to the Australian Human Rights Commission for three years while work takes place. This includes a detailed rectification plan.

Last week, Queensland Rail and TMR met with disability advocates on Wednesday prior to announcing the first NGR passenger service which ran this morning.

Signalling on the Redcliffe Peninsula line and Queensland Rail timetabling have been subject to independent reviews and reports that have been publicly released.

Background

- Manufacturing of the NGR trains commenced in 2014
- The NGR train has been designed by Qtectic (Bombardier Transportation) according to technical specifications put forward by Queensland Rail and TMR and finalised in December 2013 when the contract was signed. At that time, it was specified that the train have one toilet.

Media: TransLink Division media unit on NR

Released under RTI Act - TMR

From: Cameron Y Leslie
Sent: Monday, 11 December 2017 9:55 AM
To: Peter L Milward; Neil Scales; Martin Bradshaw; Wietske Smith; Nathan Angus; Vincent P Doran; Suzanne A Rose
Cc: Translink Media; Miguel Holland; Amber J Hawkins
Subject: NGR First Service
Attachments: IMG_0183.jpg; IMG_0187.jpg; IMG_0192.jpg

Good morning team.

Members of the TransLink Media team were among the group attending the NGR first service at Varsity Lakes this morning.

There was a strong media contingent at both Varsity Lakes and Roma Street.

The interviews at Roma St went well and a majority of the feedback was positive.

It was mainly TV crews at both points. There is no media coverage of the event just yet.

Attached are a few images from the morning.

Thanks

Cameron

Cameron Leslie
Senior Media Advisor
TransLink Division | Department of Transport and Main Roads

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P Please consider the environment before printing this email.

Released under RTI Act - TMR





Released under RTI Act - TMR



From: Neil Scales
Sent: Thursday, 7 December 2017 2:40 PM
To: Miguel Holland
Cc: Simon G Cook; Peter L Milward; Nathan Angus; Amber J Hawkins; Stephanie B Williams; Translink Media
Subject: Re: NGR Qr CEO @ Central

Thanks

Can I get a transcript please

Kind regards,

Neil Scales
Director-General
Department of Transport and Main Roads

Floor 35, 1 William Street | Brisbane Qld 4000

GPO Box 1549 | Brisbane Qld 4001
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On 7 Dec 2017, at 3:34 pm, Miguel Holland <Miguel.Holland@translink.com.au> wrote:

FYI... QR CEO interviewed by Seven 5mins ago at Central

<NGR Qr CEO @ Central.m4a>

Sent from my iPhone

Miguel Holland
Manager (Media)
TransLink Division | Department of Transport and Main Roads


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 [/TransLinkQLD](#)  [/TransLinkSEQ](#)



P Please consider the environment before printing this email.

Stephanie B Williams

From: Simon G Cook
Sent: Tuesday, 11 July 2017 11:29 AM
To: Miles Vass; Neil Scales
Subject: FW: NGR Courier-Mail query

Geoff Trappett has spoken to Courier Mail about the NGR options consultation. He notified QR about it, and we then got an enquiry from Kelmeny. Both emails below

He hasn't made any contact with me or the NGR project team, although he was asked to talk to us in the first instance about anything NGR related.

He hasn't directly breached anything in our draft terms of reference but his behaviour at meetings and outside is not constructive. I don't think now is the time to make an issue of it, but if this continues through the process we probably have to think about what value he is adding (and consider that vs the impact he might have from the outside)

I have advised Mark Bellaver

Regards
Simon

From: Newton, Benaiah [mailto: [REDACTED] NR [REDACTED]@qr.com.au]
Sent: Tuesday, 11 July 2017 11:10 AM
To: Scott, Zoe (Corporate Affairs) < [REDACTED] NR [REDACTED]@qr.com.au>; Scarff, Justine < [REDACTED] NR [REDACTED]@qr.com.au>
Cc: Billings, Natalie < [REDACTED] NR [REDACTED]@qr.com.au>; Stephanie B Williams <Stephanie.Williams@translink.com.au>; McMinn, Moira < [REDACTED] NR [REDACTED]@qr.com.au>
Subject: Geoff Trappett

Hi Zoe and Justine,

We just took a phone call from Geoff Trappett to let us know that he had spoken with Kelmeny Fraser from the Courier Mail. He advised me that her story is about QR and TMR struggling to get NGR services running in time for the Commonwealth Games. According to Geoff, his comments largely focused on how any delays caused by the ongoing accessibility issues could have been avoided if they had been properly addressed earlier in the life of the project when first identified.

He said he also told her that any defence of unjustifiable hardship should be diminished because the cost of redesigning or retrofitting the trains would have been much less if the design was changed before any of the trains were constructed. FYI TMR's accessibility consultant Margaret Stack brought up the idea of unjustifiable hardship during the meeting with ARG members last week.

Finally he advised that he gave Kelmeny a very broad overview of the proposed design review process, basically just that the goal is to develop an options paper to go to Cabinet. Interestingly he also noted that both he and Rail Back On Track have been having trouble getting traction with the Courier Mail, plenty of NGR stories are apparently being written but not making it past the editors.

Regards

BEN NEWTON
ACCESSIBILITY ADVISER

RC1-13, 305 Edward St
Brisbane, QLD 4000
T: (07) 3072 NR
F: n/a
W: queenslandrail.com.au

From: Fraser, Kelmeny [<mailto:kelmeny.fraser@news.com.au>]
Sent: Tuesday, 11 July 2017 11:11 AM
To: Richard French <Richard.French@translink.com.au>
Subject: Courier-Mail query

Hi Richard,

Could you please handle these questions about NGR? I'm seeking a reply by COB please.

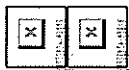
1. DTMR recently presented the disability sector with options to resolve compliance issues with NGR, which including the option of redesigning the carriages, including potential movement of the guards and a redesign of carriages in relation to the toilets. Would this option involve only those trains yet to be built, or those already manufactured? What is impact of this option on both the project budget and ability to meet deadline for the trains to be running?
2. Will the NGR trains be ready for the Commonwealth Games as planned given the ongoing discussions about solutions to the disability access issues? Is there a back-up plan should the disability access issues require the trains to be delayed?
3. Can I please get an update on how many NGR trains have been delivered so far and what stage they are at in terms of their commissioning?

I can be reached on (07) 3666 6126 should you wish to discuss.

Regards,
Kelmeny

--

KELMENY FRASER
Reporter



Cnr Mayne Road & Campbell Street Bowen Hills QLD 4006
T +61 7 3666 6126
E kelmeny.fraser@news.com.au W www.couriermail.com.au

Follow us online



Stephanie B Williams

From: Richard French
Sent: Tuesday, 11 July 2017 5:20 PM
To: Stephanie B Williams
Subject: Fwd: MEDIA RESPONSE: NGR | COURIER MAIL

FYI

Rich

Sent from my iPhone

Begin forwarded message:

From: Anna Jabour <Anna.Jabour@ministerial.qld.gov.au>
Date: 11 July 2017 at 5:18:19 pm AEST
To: Richard French <Richard.French@translink.com.au>, Clare Manton <Clare.Manton@ministerial.qld.gov.au>, Dou Ribu <Dou.Ribu@ministerial.qld.gov.au>, Lincoln Howe <Lincoln.Howe@ministerial.qld.gov.au>
Cc: Neil Scales <Neil.Z.Scales@tmr.qld.gov.au>, Matthew J Longland <Matthew.Longland@translink.com.au>, Simon G Cook <simon.cook@translink.com.au>, Miles Vass <miles.z.vass@tmr.qld.gov.au>, Jennifer M Grace <Jennifer.M.Grace@tmr.qld.gov.au>, Miguel Holland <Miguel.Holland@translink.com.au>, Natalie G Newell <Natalie.Newell@translink.com.au>, Government Relations <Government.Relations@translink.com.au>
Subject: RE: MEDIA RESPONSE: NGR | COURIER MAIL

Hi Rich,

The below can go back to Kelmeny and I'll also send her this from the DP. I'm also letting her know we haven't committed to having all 15 by CommGames, they'll be coming on the network progressively. As your response says that there are 15 trains in Australia and 5 currently in testing but each train has to pass individual testing before entering passenger service.

Response – DP

We have been working closely with the disability sector to ensure the NGR trains are accessible. When the LNP ordered the NGR trains, they didn't adequately consider disability access requirements and unfortunately we have been left to fix it.

We are confident the first NGR trains will commence on the network by the end of this year.

Response – TMR

We are confident any accessibility changes will not delay the entry of the first NGR trains into passenger service at the end of this year or their use during the Commonwealth Games.

The Department of Transport and Main Roads (TMR) have been developing and thoroughly assessing a number of options to ensure accessibility, some of which include the re-design of some NGR train elements. Apart from the recently announced operating model, these options are still being consulted on through the disability reference group and no decisions have been made on timeframes or budget yet.

There are currently 15 NGR trains in Queensland – five of which are currently undergoing on-track testing on the South East Queensland rail network. On-track testing is the final testing before the trains are accepted and able to safely carry passengers.

Ends

Kind regards,
Anna

Anna Jabour
Senior Media Adviser
Office of the Hon. Jackie Trad MP
Deputy Premier, Minister for Transport
Minister for Infrastructure and Planning
P 07 3719 7072 M: NR
PO Box 15009 City East QLD 4002

From: Richard French [<mailto:Richard.French@translink.com.au>]
Sent: Tuesday, 11 July 2017 3:03 PM
To: Anna Jabour <Anna.Jabour@ministerial.qld.gov.au>; Clare Manton <Clare.Manton@ministerial.qld.gov.au>; Dou Ribu <Dou.Ribu@ministerial.qld.gov.au>; Lincoln Howe <Lincoln.Howe@ministerial.qld.gov.au>
Cc: Neil Scales <Neil.Z.Scales@tmr.qld.gov.au>; Matthew J Longland <Matthew.Longland@translink.com.au>; Simon G Cook <simon.cook@translink.com.au>; Miles Vass <miles.z.vass@tmr.qld.gov.au>; Jennifer M Grace <Jennifer.M.Grace@tmr.qld.gov.au>; Miguel Holland <Miguel.Holland@translink.com.au>; Natalie G Newell <Natalie.Newell@translink.com.au>; Government Relations <Government.Relations@translink.com.au>
Subject: MEDIA RESPONSE: NGR | COURIER MAIL

Hi Anna,

I understand the questions below are broadly similar to the ones you received from Kelmeny after us.

Please let us know if you have any concerns

Cheers

Rich

Richard French
Senior Media Advisor
TransLink Division | Department of Transport and Main Roads

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MEDIA RESPONSE

Media: Courier Mail

Subject: NGR accessibility and readiness for Commonwealth Games

Please attribute to a Department of Transport and Main Roads spokesperson

Enquiry:

1. **DTMR recently presented the disability sector with options to resolve compliance issues with NGR, which including the option of redesigning the carriages, including potential movement of the guards and a redesign of carriages in relation to the toilets. Would this option involve only those trains yet to be built, or those already manufactured? What is impact of this option on both the project budget and ability to meet deadline for the trains to be running?**
2. **Will the NGR trains be ready for the Commonwealth Games as planned given the ongoing discussions about solutions to the disability access issues? Is there a back-up plan should the disability access issues require the trains to be delayed?**
3. **Can I please get an update on how many NGR trains have been delivered so far and what stage they are at in terms of their commissioning?**

Response:

The Department of Transport and Main Roads (TMR) is working with the disability sector to ensure the New Generation Rollingstock (NGR) trains are as accessible as possible.

This includes developing and thoroughly assessing a number of options, some of which include the re-design of some NGR train elements. These options are being explored and no decisions have been made on timeframes or budget yet.

We are confident this process will not delay the entry of the NGR trains into passenger service or their use during the Commonwealth Games.

There are 15 NGR trains in Queensland – five of which are currently undergoing on-track testing on the South East Queensland rail network. On-track testing is the final testing before the trains are accepted and able to safely carry passengers.

TMR, Queensland Rail and Qtectic have been working around the clock to ensure the trains can enter passenger service as soon as possible.

Background

The NGR trains have been built to a technical design specification first tabled in 2008 and confirmed in December 2013 when the contract with train supplier, Qtectic was signed.

The trains delivered to date are high quality and will improve the customer experience across the board with new safety, security and comfort features.

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Stephanie B Williams

From: Neil Scales
Sent: Thursday, 2 November 2017 5:25 PM
To: Mark.bellaver@ministerial.qld.gov.au
Subject: RE: ngr query - courier-mail

Yet another positive story

Kind regards

Neil Scales
Director-General
Department of Transport and Main Roads

Floor 35, 1 William Street | Brisbane Qld 4000

GPO Box 1549 | Brisbane Qld 4001
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E: neil.z.scales@tmr.qld.gov.au
W: www.tmr.qld.gov.au

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From: Mark Bellaver [mailto:Mark.Bellaver@ministerial.qld.gov.au]
Sent: Thursday, 2 November 2017 5:23 PM
To: Neil Scales <Neil.Z.Scales@tmr.qld.gov.au>
Subject: Fwd: ngr query - courier-mail

For your information

Sent from my iPhone

Begin forwarded message:

From: Anna Jabour <Anna.Jabour@ministerial.qld.gov.au>
Date: 2 November 2017 at 5:15:12 pm AEST
To: Mark Bellaver <Mark.Bellaver@ministerial.qld.gov.au>, Matt Collins <Matt.Collins@ministerial.qld.gov.au>
Subject: Fwd: ngr query - courier-mail

Sent from my iPhone

Begin forwarded message:

From: "Fraser, Kelmeny" <kelmeny.fraser@news.com.au>
Date: 2 November 2017 at 5:13:13 pm AEST
To: Anna Jabour <Anna.Jabour@ministerial.qld.gov.au>, Clare Manton <clare.manton@ministerial.qld.gov.au>
Subject: ngr query - courier-mail

Hi,

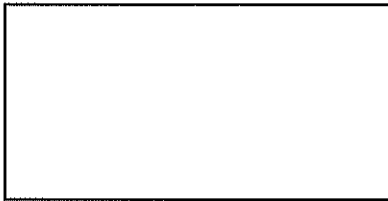
Could you please respond to these questions by as early as possible tomorrow please -

1. Is it correct that Downer EDI will perform the retrofitting of the NGR trains (to meet disability discrimination act standards)? If not, who will do the work?
2. Is any of that work included in the Government's announcement in September that Downer EDI was inline for \$70 million in projects?
3. If Downer is doing the work, how did that come about (ie is it up to the Government to award the work/Qtectic/Bombardier)?
4. Is it correct that NGR trains had been enroute to Brisbane in July when they were diverted to another port for a couple of months then delivered last month as a result of the Government-Bombardier dispute? If so, were any shipping costs incurred by taxpayers?

Thanks for any assistance,
Kelmeny

--

KELMENY FRASER
Reporter



Cnr Mayne Road & Campbell Street Bowen Hills QLD 4006
T +61 7 3666 6126
E [kelmeny.fraser@news.com.au](mailto:kelmany.fraser@news.com.au) W www.couriermail.com.au

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Released under RTI Act - TMR

Stephanie B Williams

From: Neil Scales
Sent: Wednesday, 6 December 2017 10:57 PM
To: Simon G Cook
Subject: Fwd: Media FYI "Queensland rail fail: Legal threat for NGR trains over disability access"

Good evening

FYI

Might be worth getting a view from the lawyers

Neil Scales

Director-General
Department of Transport and Main Roads
Floor 35, 1 William Street | Brisbane Qld 4000

GPO Box 1549 | Brisbane Qld 4001
P: (07) 30667316 | F: (07) 30667122
E: neil.z.scales@tmr.qld.gov.au
W: www.tmr.qld.gov.au

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Begin forwarded message:

From: Jane E Richards <Jane.E.Richards@tmr.qld.gov.au>
Date: 6 December 2017 at 10:51:07 pm AEST
To: Neil Scales <Neil.Z.Scales@tmr.qld.gov.au>
Cc: Jennifer M Grace <Jennifer.M.Grace@tmr.qld.gov.au>
Subject: Media FYI "Queensland rail fail: Legal threat for NGR trains over disability access"

Queensland rail fail: Legal threat for NGR trains over disability access

Kelmeny Fraser, The Courier-Mail

QUEENSLAND Rail has exposed itself to costly legal action by rolling-out new trains that fail to meet disability access laws from next week, according to its own internal legal advice.

QR's chief executive officer Nick Easy yesterday made the surprise announcement that the heavily-delayed \$4.4 billion New Generation Rollingstock trains would start work Monday.

It means the trains will start taking passengers despite breaching disability access laws and ahead of an outcome on a bid by the State Government to win an exemption from the rules.

The State Government and QR applied to the Australian Human Rights Commission for an urgent exemption in September, arguing the trains were desperately needed to meet the surge in demand for rail services during next April's Commonwealth Games.

Design flaws include inaccessible toilets and aisle widths too narrow for wheelchairs.

But QR has pushed the go button on the trains weeks ahead of the Commission handing down its decision.

It has exposed QR to the risk of court action, according to legal advice obtained in September.

As first revealed by *The Courier-Mail* last month, the internal advice warned the rail operator and the State Government was at "risk of claims, particularly injunctive proceedings, brought by affected individuals or representative interest groups."

"This risk will crystallise if non-compliant (trains) are operated in passenger service," it says.

There is also an earlier risk of injunctive action to the extent a court accepts QR or the State intends to operate non-compliant (trains) in passenger service (i.e. even if it has not already done so.)

Disability advocate Geoff Trappett said the sector would complain to the Commission – the first step in potential court action for an injunction against the trains entering service.

"We are amazed and appalled at the arrogance of QR to be putting into service an NGR train they know is non-compliant," he said.

"It is shameful that this development has occurred while the Government is in caretaker mode. This is an orchestrated campaign to release the trains during the caretaker period."

Mr Easy yesterday said QR had "committed to rectifying the trains and will continue to work closely with the Human Rights Commission and the disability sector throughout this process."

Jane Richards

General Manager (Strategic Rail Project Team)

Executive Directorate Office of the Director-General | Department of Transport and Main Roads

Floor 35 | 1 William Street | Brisbane Qld 4000

GPO Box 1549 | Brisbane Qld 4001

P: (07) 3066 7115

M: NR

E: jane.e.richards@tmr.qld.gov.au

W: www.tmr.qld.gov.au

Stephanie B Williams

From: Neil Scales
Sent: Monday, 11 December 2017 2:08 PM
To: Richard French
Cc: Jennifer M Grace; Simon G Cook; Miguel Holland; Amber J Hawkins; Translink Media; Stephanie B Williams
Subject: RE: MEDIA RESPONSE: NGR | Courier Mail
Importance: High

Thanks,

Make sure this is consistent with what is already in the media please.

In the background section after .."one toilet"....delete the rest of the sentence.

Then clear through the MO

Also the story will already been written and check with QR please to see if they have been asked the same question and any current RTI's on the go around the same topic.

Kind regards

Neil Scales
Director-General
Department of Transport and Main Roads

Floor 35, 1 William Street | Brisbane Qld 4000

GPO Box 1549 | Brisbane Qld 4001
P: (07) 30667316 | F: (07) 30667122
E: neil.z.scales@tmr.qld.gov.au
W: www.tmr.qld.gov.au

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From: Richard French
Sent: Monday, 11 December 2017 2:01 PM
To: Neil Scales <Neil.Z.Scales@tmr.qld.gov.au>
Cc: Jennifer M Grace <Jennifer.M.Grace@tmr.qld.gov.au>; Simon G Cook <simon.cook@translink.com.au>; Miguel Holland <Miguel.Holland@translink.com.au>; Amber J Hawkins <Amber.Hawkins@translink.com.au>; Translink Media <Translink.Media@translink.com.au>; Stephanie B Williams <Stephanie.Williams@translink.com.au>
Subject: MEDIA RESPONSE: NGR | Courier Mail

Hi Neil,

Please see the media enquiry from Kelmeny Fraser (Courier Mail) both attached and below for your review/approval.

Let me know if you have any concerns.

Cheers

Richard

Richard French
Senior Media Advisor
TransLink Division | Department of Transport and Main Roads

61 Mary Street Brisbane Old 4000 | GPO Box 50 Brisbane Qld 4001
w 3338 4671 m NR
e richard.french@translink.com.au
w www.translink.com.au w www.tmr.qld.gov.au

 Please consider the environment before printing this email.

MEDIA RESPONSE

11 December 2017

Journalist: Kelmeny Fraser

Contact: T +61 7 3666 6126

E kelmeny.fraser@news.com.au

Media: Courier Mail

Subject: NGR

Enquiry: I have the following questions for the Director-General (Neil Scales) regarding the NGR project. I would welcome the chance to discuss this over the phone with Mr Scales, however, if this cannot be arranged, have the following questions:

1. When did you first become aware of the disability access issues (non-compliant aisles and toilets) regarding the New Generation Rollingstock trains? What action was taken? When were the trains first determined by the Government to be non-compliant?
2. Disability advocate John McPherson wrote to Ms Trad in September 2015 to alert the Government to the disability access concerns re boarding. Did you become aware of the boarding problems at this time? If not, when did you learn Mr Trappett (or other disability advocates) had raised accessibility issues?
3. Why did it take until September 2017 for the final options report on disability accessibility options to be produced, given the urgency of the roll-out, and until the same month for an application to the Human Rights Commission?
4. In an interview on ABC 612 in November 2016, you were asked whether the right trains were ordered and replied: "Yes we did. No doubt about it at all." Why was there no mention of the disability access design issues at this stage?
5. The Government has said it will spend \$100 million fixing non-compliant toilets and aisles. Do you take responsibility for the NGR trains being ordered with non-compliant dimensions for the on-board toilet module and access to the toilet?

6. Public transport advocacy Rail Back on Track has cited issues including those around the Redcliffe Peninsula line signalling, NGR design and management of the Queensland Rail timetable issues as factors that they believe warrant a new D-G being appointed. How does Mr Scales respond?

Deadline: COB Monday 11 December 2017

Response:

Work to redesign and rectify the NGR trains is well underway with the newly designed trains expected to progressively roll-out out in the next 18 to 24 months.

Queensland Rail and the Department of Transport and Main Roads will continue to engage with the disability sector throughout this detailed design and rectification process.

NGR trains have entered passenger service in their current layout (six cars with one toilet module in the middle), so they can be used to increase network capacity for the 2018 Gold Coast Commonwealth Games.

In June 2017, Queensland Rail and the Department of Transport and Main Roads (TMR) announced that they would review the train's design, its compliance with the required legislation/standards and functional performance.

Between June and September 2017, Queensland Rail and TMR proactively engaged with the disability sector to develop design options that would improve the compliance and functionality of the toilet module and the nearby access path.

All options were then submitted to Cabinet and funding was committed to divide the fleet and have 40 trains with no toilets and 35 trains with two re-designed toilets.

In September 2017, following this announcement, Queensland Rail and TMR submitted a joint temporary exemption application to the Australian Human Rights Commission for three years while work takes place. This includes a detailed rectification plan.

Last week, Queensland Rail and TMR met with disability advocates on Wednesday prior to announcing the first NGR passenger service which ran this morning.

Signalling on the Redcliffe Peninsula line and Queensland Rail timetabling have been subject to independent reviews and reports that have been publicly released.

Background

- Manufacturing of the NGR trains commenced in 2014
- The NGR train has been designed by Qtectic (Bombardier Transportation) according to technical specifications put forward by Queensland Rail and TMR and finalised in December 2013 when the contract was signed. At that time, it was specified that the train have one toilet with an adjacent aisle for through access. As there is a finite train width, due to the narrow gauge of the SEQ network – both the size of toilet and the width adjacent corridor are limited and are unable to fully meet the dimensional requirements set-out in legislation and accessibility standards.

Background (not for release)

- Concerns raised in September 2015 by Mr John MacPherson related to the location of the guard's cab on the NGR train – not the toilet module or access paths.

Media: TransLink Division media unit on NR

Released under RTI Act - TMR

MEDIA RESPONSE

11 December 2017

Journalist: Kelmeny Fraser

Contact: T +61 7 3666 6126

E kelmeny.fraser@news.com.au

Media: Courier Mail

Subject: NGR

Enquiry: I have the following questions for the Director-General (Neil Scales) regarding the NGR project. I would welcome the chance to discuss this over the phone with Mr Scales, however, if this cannot be arranged, have the following questions:

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3. Why did it take until September 2017 for the final options report on disability accessibility options to be produced, given the urgency of the roll-out, and until the same month for an application to the Human Rights Commission?
4. In an interview on ABC 612 in November 2016, you were asked whether the right trains were ordered and replied: "Yes we did. No doubt about it at all." Why was there no mention of the disability access design issues at this stage?
5. The Government has said it will spend \$100 million fixing non-compliant toilets and aisles. Do you take responsibility for the NGR trains being ordered with non-compliant dimensions for the on-board toilet module and access to the toilet?
6. Public transport advocacy Rail Back on Track has cited issues including those around the Redcliffe Peninsula line signalling, NGR design and management of the Queensland Rail timetable issues as factors that they believe warrant a new D-G being appointed. How does Mr Scales respond?

Deadline: COB Monday 11 December 2017

Response:

Work to redesign and rectify the NGR trains is well underway with the newly designed trains expected to progressively roll-out out in the next 18 to 24 months.

Queensland Rail and the Department of Transport and Main Roads will continue to engage with the disability sector throughout this detailed design and rectification process.

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Media: TransLink Division media unit on

Author	Stephanie Williams	Date	11/12
Approver	Miguel Holland	Date	11/12

Amber Hawkins
Simon Cook

11/12
11/12

Media outlet

Date

Released under RTI Act - TMR

Stephanie B Williams

From: Anna Jabour <Anna.Jabour@ministerial.qld.gov.au>
Sent: Monday, 11 December 2017 2:44 PM
To: Richard French; clare.manton@ministerial.qld.gov.au
Cc: Neil Scales; Jennifer M Grace; Simon G Cook; Peter L Milward; Miguel Holland; Amber J Hawkins; Translink Media; Stephanie B Williams
Subject: RE: MEDIA RESPONSE: NGR | Courier Mail

Thanks Rich, small update below, G2G.

Response:

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Signalling on the Redcliffe Peninsula line and Queensland Rail timetabling have been subject to independent reviews and reports that have been publicly released.

Background

- Manufacturing of the NGR trains commenced in 2014.

Media: TransLink Division media unit on

From: Richard French [mailto:Richard.French@translink.com.au]
Sent: Monday, 11 December 2017 2:22 PM
To: Anna Jabour <Anna.Jabour@ministerial.qld.gov.au>; Clare Manton <Clare.Manton@ministerial.qld.gov.au>
Cc: Neil Scales <Neil.Z.Scales@tmr.qld.gov.au>; Jennifer M Grace <Jennifer.M.Grace@tmr.qld.gov.au>; Simon G Cook <simon.cook@translink.com.au>; Peter L Milward <peter.milward@translink.com.au>; Miguel Holland <Miguel.Holland@translink.com.au>; Amber J Hawkins <Amber.Hawkins@translink.com.au>; Translink Media <Translink.Media@translink.com.au>; Stephanie B Williams <Stephanie.Williams@translink.com.au>
Subject: MEDIA RESPONSE: NGR | Courier Mail
Importance: High

Hi team,

Please see the media response below for your approval.


Let me know if you have any concerns.

Cheers

Richard

Richard French
Senior Media Advisor
TransLink Division | Department of Transport and Main Roads

61 Mary Street Brisbane Qld 4000 | GPO Box 50 Brisbane Qld 4001
w 3338 4671 m NR
e richard.french@translink.com.au
w www.translink.com.au w www.tmr.qld.gov.au

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MEDIA RESPONSE

11 December 2017

Journalist: Kelmeny Fraser

Contact: T +61 7 3666 6126

E kelmeny.fraser@news.com.au

Media: Courier Mail

Subject: NGR

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2013 when the contract was signed. At that time, it was specified that the train have one toilet.

Media: TransLink Division media unit on NR

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Released Under RTI Act - TMR

Stephanie B Williams

From: Neil Scales
Sent: Monday, 11 December 2017 2:54 PM
To: Richard French
Cc: Jennifer M Grace; Simon G Cook; Peter L Milward; Amber J Hawkins; Miguel Holland; Translink Media
Subject: RE: MEDIA RESPONSE: NGR | Courier Mail

Whatever is "normal", therefore not me !

Kind regards

Neil Scales
Director-General
Department of Transport and Main Roads

Floor 35, 1 William Street | Brisbane Qld 4000

GPO Box 1549 | Brisbane Qld 4001
P: (07) 30667316 | F: (07) 30667122
E: neil.z.scales@tmr.qld.gov.au
W: www.tmr.qld.gov.au

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From: Richard French
Sent: Monday, 11 December 2017 2:52 PM
To: Neil Scales
Cc: Jennifer M Grace ; Simon G Cook ; Peter L Milward ; Amber J Hawkins ; Miguel Holland ; Translink Media
Subject: MEDIA RESPONSE: NGR | Courier Mail

Hi Neil,

Please see the MO approved response below.

Please advise if you want this from

- a spokesperson for the Director-General
or
- a TransLink spokesperson

cheers

Richard

Response:

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Background

- Manufacturing of the NGR trains commenced in 2014.

Media: TransLink Division media unit on NR

Released under RTI Act - TMR

Stephanie B Williams

From: Dominic Geiger <Dominic.Geiger@ministerial.qld.gov.au>
Sent: Tuesday, 12 December 2017 5:07 PM
To: Translink Media; @Minister Bailey Media
Cc: Miguel Holland; Amber J Hawkins; Neil Scales; Jennifer M Grace; Simon G Cook; Stephanie B Williams
Subject: RE: MEDIA RESPONSE: NGR | Courier Mail

Good to go.
Thanks

From: Translink Media [mailto:Translink.Media@translink.com.au]
Sent: Tuesday, 12 December 2017 5:01 PM
To: Dominic Geiger <Dominic.Geiger@ministerial.qld.gov.au>; @Minister Bailey Media <MinisterBaileyMedia@ministerial.qld.gov.au>
Cc: Translink Media <Translink.Media@translink.com.au>; Miguel Holland <Miguel.Holland@translink.com.au>; Amber J Hawkins <Amber.Hawkins@translink.com.au>; Neil Scales <Neil.Z.Scales@tmr.qld.gov.au>; Jennifer M Grace <Jennifer.M.Grace@tmr.qld.gov.au>; Simon G Cook <simon.cook@translink.com.au>; Stephanie B Williams <Stephanie.Williams@translink.com.au>
Subject: RE: MEDIA RESPONSE: NGR | Courier Mail

No problem.

Please see below.

Thanks

Cameron

Enquiry: I have the following questions for the Director-General (Neil Scales) regarding the NGR project. I would welcome the chance to discuss this over the phone with Mr Scales, however, if this cannot be arranged, have the following questions:

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Between June and September 2017, Queensland Rail and TMR proactively engaged with the disability sector to develop design options that would improve the compliance and functionality of the toilet module and the nearby access path.

In September 2017, following this announcement, Queensland Rail and TMR submitted a joint temporary exemption application to the Australian Human Rights Commission for three years while work takes place. This includes a detailed rectification plan.

Last week, Queensland Rail and TMR met with disability advocates on Wednesday prior to announcing the first NGR passenger service which ran this morning.

Signalling on the Redcliffe Peninsula line and Queensland Rail timetabling have been subject to independent reviews and reports that have been publicly released.

Background

- Manufacturing of the NGR trains commenced in 2014.

From: Dominic Geiger [mailto:Dominic.Geiger@ministerial.qld.gov.au]

Sent: Tuesday, 12 December 2017 4:58 PM

To: Cameron Y Leslie <Cameron.Leslie@translink.com.au>; @Minister Bailey Media <MinisterBaileyMedia@ministerial.qld.gov.au>

Cc: Translink Media <Translink.Media@translink.com.au>; Miguel Holland <Miguel.Holland@translink.com.au>; Amber J Hawkins <Amber.Hawkins@translink.com.au>; Neil Scales <Neil.Z.Scales@tmr.qld.gov.au>; Jennifer M Grace <Jennifer.M.Grace@tmr.qld.gov.au>; Simon G Cook <simon.cook@translink.com.au>; Stephanie B Williams <Stephanie.Williams@translink.com.au>

Subject: RE: MEDIA RESPONSE: NGR | Courier Mail

Hi Cameron,

Could you please send us the response you provided yesterday?

Thanks

From: Cameron Y Leslie [mailto:Cameron.Leslie@translink.com.au]
Sent: Tuesday, 12 December 2017 4:55 PM
To: @Minister Bailey Media <MinisterBaileyMedia@ministerial.qld.gov.au>
Cc: Translink Media <Translink.Media@translink.com.au>; Miguel Holland <Miguel.Holland@translink.com.au>; Amber J Hawkins <Amber.Hawkins@translink.com.au>; Neil Scales <Neil.Z.Scales@tmr.qld.gov.au>; Jennifer M Grace <Jennifer.M.Grace@tmr.qld.gov.au>; Simon G Cook <simon.cook@translink.com.au>; Stephanie B Williams <Stephanie.Williams@translink.com.au>
Subject: MEDIA RESPONSE: NGR | Courier Mail

Hi team.

Please see the media response below for your approval.

There was a follow-up question to a response we provided yesterday.


Let me know if you have any concerns.

Thanks


Cameron

Cameron Leslie
Senior Media Advisor
TransLink Division | Department of Transport and Main Roads

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Follow Up Question

Would it be possible to reply in Q&A format to my questions for Mr Scales please as the statement doesn't address them.

Also - documents show Mr Scales, as a member of the program steering committee, had the strategic decision making role for the NGR program. Could you confirm this is still the case?

Response

The New Generation Pollingstock (NGR) Program Steering Committee (PSC) was formed after the NGR contract was signed in December 2013.

The Director-General of the Department of Transport and Main Roads Mr Neil Scales, is a member of the NGR PSC.

Media: TransLink Division media unit on NR

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